

Drinking Water Challenges, Confederated Tribes of Warm Springs (Warm Springs, OR)

ISSUE: The Confederated Tribes of Warm Springs of Oregon (Tribe) continues to confront a complex and persistent set of challenges associated with their community water system (PWSID 104101247). The Tribe has limited financial, managerial and technical capacity for a water utility. Additionally, the Tribe has a need for significant infrastructure improvements to address deficiencies in the existing infrastructure. Absent federal agency leadership and funding, the safety and reliability of the community water system will become a recurrent issue. (b)(5)

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BACKGROUND: The water system is regulated directly by the EPA; the State of Oregon has no jurisdiction over the Tribe for purposes of the Safe Drinking Water Act. For infrastructure improvements, the EPA sets aside funding for Tribes, referred to as Drinking Water Infrastructure Grant Tribal Set-Aside (DWIG-TSA). According to the final 2013 Revised Guideline document for DWIG-TSA, emergency funding assistance is allowable.

Most of the system's infrastructure was built around 1980. It was designed by a private engineering firm and constructed by the Tribe. A portion of the infrastructure - located in the historical Agency area - was constructed by Bureau of Indian Affairs (BIA) prior to 1980. The community water system serves an estimated 3,800 people.

The water source is the Deschutes River, and the water is treated via a conventional treatment plant that withdraws water from the Deschutes River. The plant has inherent limitations because it was built before the current surface water treatment rules (i.e. those promulgated between 1989 and 2006). Plant upgrades were made around 2000 with the aim of modernizing the plant. In 2008, the EPA performed a Comprehensive Performance Evaluation. Since then, the Tribe has demonstrated that the plant has capability of delivering safe water when and if the plant is operated diligently by appropriately certified operators. At the same time, the aging components and inherent limitations of the original design create ongoing challenges even when the plant is operated well.

In 2018-2019, the Tribe received several written notices of violation from U.S. EPA Region 10. Over a period of six months from November 2018 to April 2019, the EPA issued four Notice of Violation letters for failing to operate the plant in compliance with the Safe Drinking Water Act (SDWA). On May 23, 2019, EPA issued an Emergency Administrative Order (Section 1431) to the Tribe due to a range of issues, including but not limited to, the failure to maintain finished water turbidity and failure to maintain microbial disinfection. The Tribe declared a state-of-emergency immediately following EPA's issuance of the Emergency Order. In response to events, Tribal officials have reminded federal agencies of their Trust responsibilities to the Tribe.

Over the summer of 2019, the Tribe made repairs to their water distribution system and renovated valve stations that were critically-needed to prevent excessive water main pressures at low points in the system. On August 14, 2019, the Tribe lifted a boil-water notice that had been in-place (continuously) since May 2019.

CURRENT STATUS: The water system is reportedly maintaining pressures and the plant is functioning. However, the requirements of the EPA order are still being addressed by the Tribe. While the Tribe has put forth a significant effort, they have a long way to go to develop and implement an integrated action plan that addresses all the challenges. Unfortunately, without some of the utility capacity issues being resolved, *the Tribe will not be able to access the largest sources of federal infrastructure funding (e.g. USDA-Rural Development funding).*

RECOMMENDED PLANS/ACTIONS: In preparation for the September 24 meeting at the Tribe, I recommend EPA

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